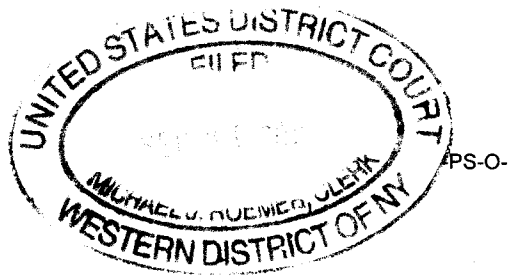


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



JOSEPH BELILE, 08A3707,

Plaintiff,

-v-

C.O. JOHN DOE #1, C.O. JOHN DOE #2
and C.O. JONATHAN MURPHY,

Defendants.

DECISION AND ORDER
10-CV-6501CJS(Fe)

Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 1983 and has requested appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1). This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Additionally, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has a professional obligation to provide *pro bono* services for the poor. See New York Rules of Professional Conduct, Rule 6.1. In addition, Rule 83.1(g) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this rule shall be made in a manner such that no attorney shall be requested to accept more than one appointment during any twelve month period.

It is in this spirit that the Court assigns Jennifer Lunsford, Esq. of Segar & Sciortino, 400 Meridian Centre, Suite 320, Rochester, New York 14618 and Jon P. Getz, Esq. of Muldoon and Getz, 144 Exchange Blvd., Suite 402, Rochester, New York 14614, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to copy that portion of the file in this matter that is not currently available through PACER on the Court's Case Management/Electronic Case Management System and send it to Jennifer Lunsford, Esq. The Clerk is also directed to send Jennifer Lunsford and Jon Getz a copy of this order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so *pro bono* counsel can access and print at no cost to their firms any other documents filed herein that they may need. Plaintiff's attorneys are directed to contact the Court by **October 23, 2012** to request a date for a status conference to discuss further proceedings in the case.

SO ORDERED.

Dated: SEPT. 20, 2012
Rochester, New York



CHARLES J. SIRAGUSA

United States District Judge

¹This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at: <http://www.nywd.uscourts.gov/document/fundreimbvoweb.pdf>.